

HON'BLE SRI JUSTICE A RAMALINGESWARA RAO

-

CIVIL REVISION PETITION No.215 of 2015

-

ORDER:

The defendant in O.S.No.24 of 2011 on the file of Principal Senior Civil Judge, Eluru, is the petitioner herein. The said suit was filed for partition and separate possession of the shares of the respondents herein.

2. At the time of evidence on behalf of respondents, their witness wanted to mark an unregistered settlement deed dated 19.10.2000 executed by one Pydi Appayamma in favour of the plaintiffs. The marking of the said documents was objected by the petitioner herein on the ground that those documents were unregistered documents and they cannot be marked in evidence. The lower Court while upholding the objection, directed the collection of stamp duty and penalty on the two unregistered settlement deeds dated 19.10.2000 by its order dated 21.10.2014.

3. The present Civil Revision Petition is filed by the petitioner stating that the lower Court is going to mark those documents after collection of deficit stamp duty and penalty and that the documents were unregistered. But the impugned order directs the collection of stamp

duty and penalty only. Whether the document requires registration or not and such unregistered document can be marked in evidence, is still to be considered by the learned Principal Senior Civil Judge and the said issue is left open. It is open to the petitioner to raise such objection when the plaintiffs' want to mark those documents at the time of their evidence, after payment of deficit stamp duty and penalty. It is needless to observe that the lower Court shall consider the same and pass appropriate orders.

4. With the above observation, this Civil Revision Petition is disposed of. There shall be no order as to costs.

5. Miscellaneous petitions pending, if any, in this civil revision Petition shall stand closed.

A RAMALINGESWARA RAO, J

Date: 16-12-2015
pab